

**JUDGE STEIN 8 CV 5153**

Edward P. Kelly (EK 8340)

Attorney for Declaratory Judgment Plaintiff Carolyn Plummer

TIAJOLOFF &amp; KELLY

The Chrysler Building – 37<sup>th</sup> Floor

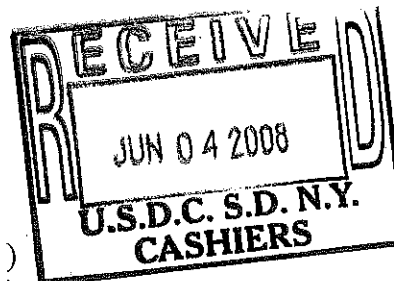
405 Lexington Avenue

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Carolyn Plummer,

an individual

Plaintiff,

v.

Philosophy Inc.

an Arizona corporation

Defendant.

**COMPLAINT**

\_\_\_\_ Civ. \_\_\_\_ ( )

ECF Case

Hon.

PLAINTIFF DEMANDS TRIAL  
BY JURY

**Nature of Action**

For its Declaratory Judgment Action, Plaintiff Carolyn Plummer, an individual, through the undersigned attorneys, alleges and avers as follows:

1. This is a civil action seeking declaratory relief of non-infringement of trademarks and recovery for tortious interference with prospective business advantage.

2. At issue in this action is the ability of Declaratory Judgment Plaintiff Carolyn Plummer, to use the trademark MIRACLE 7 or a similar mark on or in connection with hair care products.

3. Plaintiff Plummer is the owner of intent to use trademark application of MIRACLE 7 which has been allowed by the Examiner in the U.S. Trademark Office and published for opposition on April 15, 2008.

4. Declaratory Judgment Defendant Philosophy, Inc. (hereinafter "Philosophy") is the owner of certain trademark registrations including the term MIRACLE, namely, U.S. Ser. No. 78/411,992 for MIRACLE IN A JAR, U.S. Reg. No. 3,109,906 for MIRACLE BABY, U.S. Ser. No. 77/379,192 for MIRACLE BABY, U.S. Ser. No. 77/125,860 for THE MIRACLE WORKERS, U.S. Reg. No. 2,742,247, for BELIEVE IN MIRACLES, and U.S. Reg. No. 2,202,197 for THE MIRACLE WORKER, and has advised Declaratory Judgment Plaintiff Plummer of its intention to oppose Plaintiff's application for Miracle 7 and sue Plaintiff if it launches a product under MIRACLE 7 or a similar mark.

5. Plaintiff Plummer is ready to launch a hair care product under the trademark MIRACLE 7 and therefore seeks a declaration that the use of MIRACLE 7 or similar mark on or in connection with the hair care products is entirely lawful and does not infringe any of Defendant's trademark rights.

#### **Parties**

6. Plaintiff Carolyn Plummer is, and at all times material hereto has been, an individual, residing at 1121 S. Military Trail, #253, Deerfield Beach, FL, 32442 and is in the business of designing, manufacturing and distributing hair care products.

7. On information and belief, Defendant Philosophy Inc. is an Arizona corporation or other business entity doing business at 3809 East Watkins Street, Phoenix, Arizona, 85034 and is transacting and doing business within this judicial district and is subject to the jurisdiction

of this court pursuant to the laws of the state of New York and Rule 4 of the Federal Rules of Civil Procedure.

**Jurisdiction and Venue**

8. This action arises under the Declaratory Judgment Act, 28 U.S.C. § § 2201 et seq.

9. This Court has jurisdiction of this matter pursuant to 15 U.S.C. §§ 1114, 1121, 1125, 28 U.S.C. § 1331, § 1332, § 1338 and § 1367. Upon information and belief, the amount in controversy exceeds \$75,000 exclusive of interest and costs. Venue is proper under 28 U.S.C. § 1391 (b) and (c) because, on information and belief, Defendant has substantial contacts in this district, a substantial part of the events giving rise to the claims occurred in this district, and Defendant is a corporation doing business in this judicial district.

**Factual Background**

10. Declaratory Judgment Defendant Philosophy is upon information and belief the owner of certain trademarks and registrations or applications therefore, namely Believe in Miracles, Reg. No. 2,642, 247, Miracle Baby, Reg. No. 3,509,906, the Miracle Worker 2,202,197 and U.S. Applications for Miracle Baby, Serial No. 77/379,192, Miracle in a Jar, Ser. No. 78/411,992, and the Miracle Workers, Ser. No. 77/125,860.

11. Declaratory Judgment Plaintiff Carolyn Plummer is the owner of U.S. Trademark Application Serial No. 77/322,595 for Miracle 7 for use in connection with hair care products. Plummer's Miracle 7 application was allowed by the Examiner in the U.S. Trademark Office and published for opposition on April 15, 2008.

**The Present Dispute**

12. Declaratory Judgment Defendant Philosophy contacted Plummer by certified letter of May 12, 2008, to Plummer's attorney in New York, stating that Philosophy intends to oppose Plummer's application for Miracle 7 and demanding that Plummer (i) withdraw its application for Miracle 7 and (ii) "immediately cease any use of the mark Miracle or of any mark that is similar to our client's family of marks" or Philosophy will take action under federal trademark laws 15 U.S.C. 1114 and 1125(a). (See copy of letter amended as Exhibit 1.) The letter states that commercial use of Miracle 7 is likely to cause confusion in violation of 15 U.S.C. 1114 and 15 U.S.C. 1125(a). Finally, the letter states that... "[p]hilosophy is prepared to enforce its trademark rights to the fullest extent of the law".

13. Declaratory Judgment Plaintiff Plummer has a real and reasonable belief and apprehension that Philosophy will oppose Miracle 7 and will sue her for infringement under federal law when she launches a hair care product under the trademark Miracle 7 or under any similar mark.

**COUNT I: DECLARATORY RELIEF OF NON-INFRINGEMENT**

14. Plaintiff repeats and incorporates herein by reference the allegations in the preceding paragraphs of this complaint.

15. Based on the foregoing allegations, there exists between the parties a substantial controversy of immediacy and reality to warrant declaratory relief and Plaintiff has a reasonable belief and apprehension that Defendant will oppose Plaintiff's Miracle 7 mark and sue Plaintiff for infringement under federal law.

16. Plaintiff is informed and based upon such information and belief alleges that Defendants' Miracle trademarks are not enforceable against MIRACLE 7 because (i) an appreciable number of relevant customers are not likely to be confused as to source, affiliation, sponsorship or connection as a result of Plummer's entry into the market with Miracle 7 on or in connection with hair care products under 15 U.S.C. § 1114 or 15 U.S.C. § 1125(a) or any state law. In particular, the term "Miracle" as used on or in connection with hair care products is so diluted, and such term is in such widespread registration and use, that this term has no significance as a trademark to designate the source of the products. Additionally, due to the differences in the respective parties' marks, goods and channels of trade, there is no chance of a likelihood of confusion. Plaintiff's non-infringement position is more fully set forth in Exhibit 2 with accompanying exhibits.

17. Plaintiff seeks a declaratory judgment pursuant to 28 U.S.C. § 2201 and Federal Rule of Civil Procedure 57 that its use of the term "MIRACLE 7" or similar mark on or in connection with hair care does not infringe any rights of Defendant Philosophy.

**COUNT 2: TORTIOUS INTERFERENCE WITH  
PROSPECTIVE ECONOMIC ADVANTAGE**

18. Plummer repeats and incorporates herein by reference the preceding allegation of this complaint.

19. Plummer has a reasonable expectation of prospective economic advantage with a number of third parties with respect to its use of Miracle 7.

20. Upon information and belief, Defendant Philosophy has wrongfully, intentionally and maliciously interfered with Plummer's prospective economic advantage under the Miracle 7 or

similar marks by, among other things, making baseless claims that Philosophy owned valid rights in marks containing the word Miracle.

21. Upon information and belief, Plummer has suffered losses through Defendant's wrongful, intentional, and malicious interference, and will continue to be damaged unless and until the Court enjoins Defendant's improper conduct.

**DEMAND FOR JURY TRIAL**

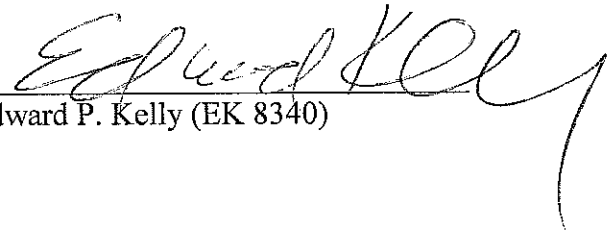
Plaintiff demands trial by jury on all issues triable to a jury.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff MIRACLE 7, Inc. prays for judgment as follows:

1. For a declaration that Plaintiff's use of the term "Miracle 7" or a similar mark on or in connection with hair care products does not violate the Lanham Act, 15 U.S.C. § 1114, 1125 and other federal or state laws relating to unfair competition.;
2. An injunction prohibiting Defendant from (i) making claims of infringement against Plaintiff and (ii) interfering with Plaintiff's prospective economic advantage;
3. For Plaintiff's attorneys' fee costs and disbursements in this action; and
4. For such other and further equitable legal relief as the court shall find just and proper.

Respectfully submitted,

  
Edward P. Kelly (EK 8340)

TIAJOLOFF & KELLY  
The Chrysler Building, 37<sup>th</sup> Fl.

405 Lexington Avenue  
New York, NY 10174  
Attorneys for Plaintiff  
Schott AG

Dated: New York, New York  
June 4, 2008



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J. Rick Taché  
Patents, Trademarks, and Copyrights  
rtache@swlaw.com

May 12, 2008

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Edward P. Kelly, Esq.  
Tiajolloff & Kelly  
405 Lexington Avenue  
The Chrysler Building 37th floor  
New York, New York 10174

***Re: Pending U.S. Trademark Application No. 77/322,595 for the mark MIRACLE 7***

Dear Mr. Kelly:

This law firm represents philosophy, inc. in trademark matters. philosophy is the owner of valid and subsisting federal trademark U.S. Registration No. 2,742,247 for the mark "BELIEVE IN MIRACLES", U.S. Registration No. 3,109,906 for the mark "MIRACLE BABY", and U.S. Registration No. 2,202,197 for the mark "THE MIRACLE WORKER" ("philosophy Registrations"). These philosophy Registrations are registered for a wide variety of products and services including, but not limited to, hair care products, namely, shampoo and conditioner. In addition to owning the philosophy Registrations, philosophy owns pending trademark applications for the trademarks "MIRACLE BABY" U.S. Trademark Serial Application No. 77/379,192, "MIRACLE IN A JAR", U.S. Trademark Serial Application No. 78/411,992 and "THE MIRACLE WORKERS", U.S. Trademark Serial Application No. 77/125,860 ("philosophy Applications," philosophy Registrations and philosophy Applications, collectively, "philosophy Marks") for a wide variety of products and services including, but not limited to, cosmetics and skin care products. The philosophy family of philosophy Marks is clearly established as a mark associated with our client for an ever-expanding variety of products and services.

It has come to our attention that your client, Carolyn Plummer, is currently applying for registration for the mark "MIRACLE 7" based upon an intent-to-use application filed November 6, 2007 ("Application"). As you are likely aware, on May 5, 2008 philosophy filed and received an Extension of Time in which to file a Notice of Opposition against your pending Application. Based upon the priority of the philosophy Marks, if necessary, philosophy intends to oppose your client's Application. However, prior to doing so, philosophy has asked us to contact you to





Edward P. Kelly, Esq.  
May 12, 2008  
Page 2

provide your client with an opportunity to voluntarily abandon her pending Application and confirm in writing, no later than **June 9, 2008**, that this Application has been expressly abandoned.


Please note that any commercial use by your client of the mark "MIRACLE 7" in association with the products or services identified in the pending Application is likely to cause confusion, or to cause mistake, or to deceive, in violation of 15 U.S.C. § 1114. Similarly, any use by your client of the "MIRACLE 7" mark in association with the products or services identified in the pending Application is likely to cause confusion, mistake or deception as to the affiliation, connection, or association of your client's business with philosophy, or as to the origin, sponsorship, or approval of your client's products or commercial activities by philosophy, in violation of 15 U.S.C. § 1125(a).

Accordingly, to the extent that your client has begun use of the mark "MIRACLE 7", we insist that she: (i) immediately cease and desist all use of any confusingly similar trademark to that owned by our client; and (ii) confirm in writing, no later than **June 9, 2008**, that your client either has not and does not intend to use the mark or that she has taken steps to immediately cease any use of the mark "MIRACLE 7" or any other mark that is confusingly similar to our client's family of marks.

Please be advised that while our client is willing to resolve this manner amicably if your client complies with our requests in a timely manner, if necessary, philosophy is prepared to enforce its trademark rights to the fullest extent of the law.

Very truly yours,

SNELL & WILMER, LLP.



J. Rick Taché

cc: Mark Carlino

**TIAJOLOFF & KELLY**

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June 4, 2008

**Via Federal Express**

J. Rick Taché  
Snell & Wilmer LLP  
600 Anton Boulevard  
Suite 1400  
Costa Mesa, CA 92626-7689

Re: Your Letter of May 12, 2008 regarding Philosophy Inc's Alleged Rights in Miracle

Dear Mr. Taché:

As you know, we represent Carolyn Plummer, the Applicant for U.S. Application Serial No. 77/322,595, for Miracle 7.

We are writing in response to your letter of May 12, 2008, in which Philosophy Inc. demands that (i) our client withdraw its Miracle 7 application and (ii) refrain from using Miracle 7 or any similar mark in commerce in view of Philosophy's trademarks including the term "miracle".

We have advised our client that Philosophy's claim to any exclusive rights in the term "miracle," based on its series of marks containing the term "miracle," is baseless. Briefly stated, the term "miracle" is so diluted when used in connection with hair care and cosmetic products that it fails to serve as a designation of source. Therefore, in the event that you take any legal action against our client, we will seek all available remedies that may be awarded based upon commencement of a frivolous action.

In order to prevail on its claim, Philosophy must prove that its alleged trademarks act as designations of source. The crux of this claim relies upon proof of a likelihood of confusion as a result of our client's entry into the market.

Based on the present facts, an analysis of the factors considered in determining likelihood of confusion overwhelmingly points to a conclusion that there is no chance of confusion. First, the respective parties' marks are not identical. The marks are only similar to the extent that they contain the term "miracle." However, this term is so diluted by registrations of this term, as well as registrations and applications containing "miracle," that it is virtually impossible that any relevant consumer would associate the term "miracle" with any particular source. It is even less likely that a customer would associate

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“miracle” with Philosophy. In fact, there are so many companies in the hair care market and related market products using the term “miracle” that no one can claim exclusive rights in a mark containing the term “miracle.”

In those instances in which third parties enter the marketplace with identical or similar marks to those of the trademark owner for identical or related products and the trademark owner fails to take legally effective action to prevent the entry of those third party's users, the trademark owner's trademark rights may be abandoned because the relevant customers no longer associate the trademark with any one – even an anonymous - source. See McCarthy on Trademarks § 17:17 (2005); See *Wallpaper Mfrs. Ltd. v. Crown Wall Covering Corp.* 680 F.2d 755 (CCPA 1982) (distinctiveness can be lost by failing to take actions against infringers). In these situations, purchasers have come to ignore the mark as a source identification. Once a “crowded field” of marks is established, a mark is considered weak as a matter of law. *Jupiter Hasting, Inc. v. Jupitermedia Corp.*, 2004 U.S. District Lexis 28669 (N.D. Ca. 2004) (where Plaintiff's mark resides in a crowded field, hemmed in on all sides by similar marks on similar goods, the mark is weak as a matter of law).

Exhibit A contains computer printouts of marks using the term “miracle” that were filed prior to the earliest filing date of Philosophy's “miracle” marks in 1997. Clearly, the term “miracle” was already diluted when Philosophy applied for this mark.

Subsequently, Philosophy did nothing to stem the rising tide of “miracle” marks in the hair care and cosmetics market, as evidenced by the numerous applications and registrations including the term “miracle” filed and issued subsequent to the earliest filing date of Philosophy's “miracle” mark. Copies of these marks are attached as Exhibit B. In fact, as demonstrated in Exhibit C, at this point **Lancôme Parfums et Beaute & Cie** would have a better claim than your client as to having developed a family of “miracle” marks in the cosmetics and hair care field. Although given the state of the trademark registry, any such claim would also fail.

In addition, numerous marks containing the term “miracle” currently exist for cosmetic products outside of the hair care field. Copies of these marks are attached as Exhibit D.

As such, it is clear that Philosophy's “miracle” marks reside in a “crowded field” of marks, and are therefore inherently weak.

The existence of the numerous registrations using the term ‘miracle’ is also ample evidence that the owners of marks containing the term “miracle” believe that this term is common in the cosmetic and hair care field, and is in fact a laudatory term used in connection with such products, as opposed to a source indicator.

Additionally, the existence of numerous marks containing or including a common term, even without proof of actual use of these marks, is probative of how these marks are perceived by the persons adopting them in connection with goods and services and

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ultimately probative of how consumers perceive these terms when used in connection with goods and services. Identical or similar marks commonly designated by different companies on numerous products and services are considered weak and are only entitled to a narrow scope of protection on the commonly accepted presumption that it is reasonable to infer that purchasers have been conditioned to expect different sources upon reviewing these commonly used terms. Commonly used marks on a variety of goods and services are also considered weak. *See* McCarthy on Trademarks § 11:86 2005. *See In re Broadway Chicken, Inc.* 38 U.S.P.Q. 2d 1559 (TTAB 1996). (“Evidence of widespread third-party use, in particular field of marks containing a certain shared term is competent to suggest that purchasers have been conditioned to look to other elements of the marks as a means of distinguishing the source of goods or services in the field.”).

The Examiner in the Trademark Office did not cite your client’s marks or anyone else’s mark against Carolyn Plummer’s MIRACLE 7 mark. Clearly, the Examiner recognized that, given the current state of the trademark registry, the term “miracle” is too diluted to be cited against any application.

Philosophy’s baseless claim could *simply* be dismissed as meritless if our client did not experience economic harm in dealing with your claim. Given the number of Miracle applications which moved to registration after the earliest filing date of Philosophy’s Miracle mark, it certainly calls into question the motivation for your letter regarding our client at this time. Regardless of the motivation, our client will seek all available remedies, including attorney fees, for defending a frivolous action.

Your client cannot claim any exclusive rights in Miracle marks.

Regards,

  
Edward P. Kelly

EPK:aep



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**Typed Drawing**

**Word Mark** MIRACLE CREME  
**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: hair care preparations. FIRST USE: 19960428. FIRST USE IN COMMERCE: 19960428  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75106433  
**Filing Date** May 20, 1996  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** August 5, 1997  
**Registration Number** 2108496  
**Registration Date** October 28, 1997  
**Owner** (REGISTRANT) A.P. Products Ltd. CORPORATION NEW YORK 145 Huguenot Street New Rochelle NEW YORK 10801  
  
(LAST LISTED OWNER) ROUX LABORATORIES, INC. CORPORATION NEW YORK 5344 OVERMYER DRIVE JACKSONVILLE FLORIDA 32254  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Patrick J. Jennings  
**Prior Registrations** 2012866  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CREME" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).

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### Typed Drawing

**Word Mark** MIRACLE ALERT  
**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: hairstyling preparations for human hair. FIRST USE: 19951130. FIRST USE IN COMMERCE: 19951130  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75314388  
**Filing Date** June 25, 1997  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** October 21, 1997  
**Registration Number** 2129183  
**Registration Date** January 13, 1998  
**Owner** (REGISTRANT) ALLEGHANY PHARMACAL CORPORATION CORPORATION NEW YORK 277 Northern Boulevard Great Neck NEW YORK 11021  
**Attorney of Record** JEROLD W DORFMAN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
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### Typed Drawing

<b>Word Mark</b>	GINSENG MIRACLE
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: non-medicated hair care preparations. FIRST USE: 19941000. FIRST USE IN COMMERCE: 19941000
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74491656
<b>Filing Date</b>	February 16, 1994
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	May 30, 1995
<b>Registration Number</b>	1986047
<b>Registration Date</b>	July 9, 1996
<b>Owner</b>	(REGISTRANT) Ginseng Miracle, Ltd. CORPORATION NEW YORK c/o Joseph S. Dornbush, P.C. 25 Carle Road Westbury NEW YORK 11590
	(LAST LISTED OWNER) Roux Laboratores, Inc. CORPORATION NEW YORK 544 Overmyer Drive Jacksonville FLORIDA 32254
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Patrick J. Jennings
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GINSENG" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060922.

**Renewal** 1ST RENEWAL 20060922  
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#### Typed Drawing

<b>Word Mark</b>	MUD MIRACLE
<b>Goods and Services</b>	IC 003. US 051 052. G & S: nonmedicated hair care products; namely, conditioners. FIRST USE: 19920107. FIRST USE IN COMMERCE: 19920107
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74801719
<b>Filing Date</b>	September 26, 1990
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	October 22, 1991
<b>Registration Number</b>	1846109
<b>Registration Date</b>	July 19, 1994
<b>Owner</b>	(REGISTRANT) St. Ives Laboratories, Inc. CORPORATION DELAWARE 2525 ARMITAGE AVENUE MELROSE PARK ILLINOIS 601601163
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MUD" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040915.
<b>Renewal</b>	1ST RENEWAL 20040915
<b>Live/Dead Indicator</b>	LIVE

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### Typed Drawing

<b>Word Mark</b>	<b>MIRACLE OIL</b>
<b>Goods and Services</b>	IC 003. US 051 052. G & S: hair and skin conditioners and non-medicated hair and skin preparations. FIRST USE: 19930508. FIRST USE IN COMMERCE: 19930508
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74426530
<b>Filing Date</b>	August 20, 1993
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	April 12, 1994
<b>Registration Number</b>	1842620
<b>Registration Date</b>	July 5, 1994
<b>Owner</b>	(REGISTRANT) CENTURY SYSTEMS INC. CORPORATION GEORGIA P.O. Box 43725, 110 Selig Dr. S.W. Atlanta GEORGIA 30336
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OIL" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	<b>LIVE</b>

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**Typed Drawing**

<b>Word Mark</b>	AFRICAN <b>MIRACLE</b>
<b>Goods and Services</b>	IC 003. US 051 052. G & S: hair treatment preparation; namely, hair oils, hair conditioners, hair shampoos and hair gels, skin toners and skin moisturizers. FIRST USE: 19910930. FIRST USE IN COMMERCE: 19910930
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74200849
<b>Filing Date</b>	September 5, 1991
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	December 1, 1992
<b>Registration Number</b>	1786063
<b>Registration Date</b>	August 3, 1993
<b>Owner</b>	(REGISTRANT) SHARK PRODUCTS, INC. CORPORATION NEW YORK Bldg. No. 3 - 10th Floor Brooklyn Navy Yard Brooklyn NEW YORK 11205  (LAST LISTED OWNER) A.P. PRODUCTS LTD. CORPORATION BY MERGER NEW YORK 5344 OVERMYER DR. JACKSONVILLE FLORIDA 32254
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Patrick J. Jennings
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AFRICAN" APART FROM THE MARK AS SHOWN

**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040121.  
**Renewal** 1ST RENEWAL 20040121  
**Live/Dead Indicator** LIVE

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#### Typed Drawing

<b>Word Mark</b>	SHINE <b>MIRACLE</b>
<b>Goods and Services</b>	IC 003. US 051 052. G & S: non-medicated hair care preparations and non-medicated skin care preparations. FIRST USE: 19890831. FIRST USE IN COMMERCE: 19890831
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74050682
<b>Filing Date</b>	April 19, 1990
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	July 16, 1991
<b>Registration Number</b>	1787304
<b>Registration Date</b>	August 10, 1993
<b>Owner</b>	(REGISTRANT) AMITEE COSMETICS, INC. CORPORATION CALIFORNIA 151 Kalmus Drive Suite H-3 Costa Mesa CALIFORNIA 92626  (LAST LISTED OWNER) HENKEL KOMMANDITGESELLSCHAFT AUF AKTIEN PARTNERSHIP LIMITED BY SHARES FED REP GERMANY HENKELSTRASSE 67 DUESSELDORF GEORGIA D40191
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Christel Emerson
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SHINE" APART FROM THE MARK AS SHOWN

**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20031009.  
**Renewal** 1ST RENEWAL 20031009  
**Live/Dead Indicator** LIVE

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### Typed Drawing

<b>Word Mark</b>	HAIR <b>MIRACLE</b>
<b>Goods and Services</b>	IC 003. US 051. G & S: CONDITIONING TREATMENT FOR HAIR. FIRST USE: 19881028. FIRST USE IN COMMERCE: 19881028
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73771352
<b>Filing Date</b>	December 23, 1988
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	July 11, 1989
<b>Registration Number</b>	1558716
<b>Registration Date</b>	October 3, 1989
<b>Owner</b>	(REGISTRANT) BIOPRACTIC GROUP, INC., THE CORPORATION PENNSYLVANIA SUITE 150 1 HIGHLAND AVENUE BETHLEHEM PENNSYLVANIA 180179099
	(LAST LISTED OWNER) BIOPRACTIC GROUP II, INC., THE CORPORATION ASSIGNEE OF PENNSYLVANIA SUITE 150 ONE HIGHLAND AVENUE BETHLEHEM PENNSYLVANIA 18017
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	SAMUEL LOUIS SACHS
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAIR" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK

**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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### Typed Drawing

<b>Word Mark</b>	MIRACLE OF ALOE
<b>Goods and Services</b>	IC 003. US 052. G & S: Skin and Hair Care Products-Namely, Moisturizer, Cleanser, Night Creme, Shampoo, Skin Freshener and Facial Gel. FIRST USE: 19810610. FIRST USE IN COMMERCE: 19810709
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73322588
<b>Filing Date</b>	August 7, 1981
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	July 26, 1983
<b>Registration Number</b>	1254223
<b>Registration Date</b>	October 18, 1983
<b>Owner</b>	(REGISTRANT) Triple Play Associates, Inc. d.b.a. Miracle of Aloe CORPORATION CONNECTICUT 530 Westport Ave. Norwalk CONNECTICUT 06851
	(LAST LISTED OWNER) JESS CLARKE & SONS, INC. CORPORATION FLORIDA 3708 MAPLEWOOD TERRACE BRADENTON FLORIDA 34203
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	L. S. Van Landingham, Jr.
<b>Disclaimer</b>	No claim is made to the exclusive right to use the word "Aloe", apart from the mark as shown.
<b>Type of Mark</b>	TRADEMARK

**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040109.  
**Renewal** 1ST RENEWAL 20040109  
**Live/Dead Indicator** LIVE

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Current Search: S1: (lancome)[ON] and (miracle)[MN] docs: 10 occ: 20

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78771170	3424334	MIRACLE SUMMER	TARR	LIVE
2	78685335	3126360	MIRACLE FOREVER	TARR	LIVE
3	77349009		LIFE IS A MIRACLE	TARR	LIVE
4	76188640	2617071	MIRACLE	TARR	LIVE
5	76623563	3052718	MIRACLE SO MAGICI	TARR	LIVE
6	76425484	2955294	MIRACLE INTENSE	TARR	LIVE
7	76345979	2751963	MIRACLE HOMME LANCOME	TARR	LIVE
8	76345978	2892324	MIRACLE HOMME LANCOME	TARR	LIVE
9	76190661	2685399	MIRACLE LANCOME	TARR	LIVE
10	75819686	2584294	MIRACLE	TARR	LIVE

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# MIRACLE SUMMER

<b>Word Mark</b>	<b>MIRACLE SUMMER</b>
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Perfumery products, namely, perfumes, eau de cologne. FIRST USE: 20070300. FIRST USE IN COMMERCE: 20070300
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78771170
<b>Filing Date</b>	December 12, 2005
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	December 12, 2006
<b>Registration Number</b>	3424334
<b>Registration Date</b>	May 6, 2008
<b>Owner</b>	(REGISTRANT) Lancome Parfums et Beaute & Cie L'Oréal, a French Société Anonyme, and Société Civile Holdial, a French Société en nom collectif SOCIETE EN NOM COLLECTIF FRANCE 29, rue du Faubourg Saint-Honore Paris FRANCE 75008

**Attorney of**



**Record** Robert L. Sherman  
**Prior Registrations** 2584294;2617071  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# MIRACLE FOREVER

<b>Word Mark</b>	<b>MIRACLE FOREVER</b>
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Perfumery products, namely, perfumes, eau de cologne, perfumed water, skin lotions, hand soaps, hair shampoos, bath foam, shaving foam, bath gels, body deodorants; cosmetics, namely, facial cream, eye cream, cold cream, skin cream, lip cream, lotions for skin, hair, face, body and hair waving, gels and powders for the face, the body and the hands; makeup preparations, namely, mascara, eye liner, eye shadow, lipsticks, nail polish, blush
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78685335
<b>Filing Date</b>	August 4, 2005
<b>Current Filing Basis</b>	44E
<b>Original Filing Basis</b>	44D;44E
<b>Published for Opposition</b>	May 16, 2006
<b>Registration Number</b>	3126360
<b>Registration</b>	August 8, 2006

**Date**

**Owner** (REGISTRANT) Lancome Parfums et Beaute & Cie L'Oréal, a French Société Anonyme, and Société Civile Holdial, a French Société en nom collectif SOCIETE EN NOM COLLECTIF FRANCE  
29, rue du Faubourg Saint-Honore Paris FRANCE 75008

**Attorney of Record** Robert L. Sherman

**Priority Date** July 12, 2005

**Prior Registrations** 2584294;2617071;2685399;AND OTHERS

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# LIFE IS A MIRACLE

<b>Word Mark</b>	LIFE IS A MIRACLE
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Perfumery, products, namely, perfumes, eau de cologne, perfumed water, skin lotions, soaps, bath and shower foaming compositions and gels; cosmetics, namely, creams, gels, milks, powders and lotions for the face, body and hands; makeup products, namely, mascara, eye liner, eye shadow, eyebrow pencil, lipsticks, nail polish, blush, foundation creams and powder, body deodorants; sun care preparations, namely, tanning and after-sun milks, gels and oils; essential oils for personal use; gels, sprays and balms for the hair styling and hair care; hair lacquers; shampoos, conditioners, treatments, serums, masques and mousse for the hair
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77349009
<b>Filing Date</b>	December 11, 2007
<b>Current Filing Basis</b>	44D
<b>Original Filing Basis</b>	44D
<b>Owner</b>	(APPLICANT) Lancome Parfums et Beaute & Cie L'Oréal, a French Société Anonyme, and Société Civile Holdial, a French Société en nom collectif SOCIÉTÉ EN NOM COLLECTIF (SNC) FRANCE 29,

rue du Faubourg Saint-Honore Paris FRANCE 75008

**Attorney of Record** Robert L. Sherman  
**Priority Date** November 19, 2007  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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**Word Mark** **MIRACLE**  
**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: Perfume; [ toilet water; ] gels for the bath and shower; [ non-medicated salts for the bath and shower; toilet soaps; body deodorants; cosmetics, namely, facial cream, eye cream, cold cream, skin cream, lip cream, ] lotions for [ skin, hair, face, ] body [ and hair waving, gels and powder for the face, body and hands; make-up preparations, namely eye-liner, mascara, eye shadows, rouge for cheeks, lipsticks, nail polish, hair shampoos ]  
**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 26.11.21 - Rectangles that are completely or partially shaded  
**Serial Number** 76188640  
**Filing Date** January 2, 2001  
**Current Filing Basis** 44E  
**Original Filing Basis** 1B;44E  
**Published for Opposition** June 18, 2002  
**Registration Number** 2617071  
**Registration Date** September 10, 2002  
**Owner** (REGISTRANT) Lancome Parfums et Beaute & Cie L'Oreal and Societe Civile Holdial, both France

corporations SOCIETE EN NOM COLLECTIF FRANCE 29, rue du Faubourg Saint Honore Paris  
FRANCE 75008

**Attorney of  
Record** Robert L. Sherman  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead  
Indicator** LIVE

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miracle  
so  
magic!

**Word Mark**  
**Goods and**  
**Services**

**MIRACLE SO MAGIC!**

IC 003. US 001 004 006 050 051 052. G & S: Perfumery products namely perfumes, eau de cologne, perfumed water, skin lotions, soaps, bath and shower foaming compositions and gels; cosmetics namely creams, gels, milks, powders and lotions for the face, body and hands; make-up products namely mascara, eye liner, eye shadow, eyebrow pencil, lipsticks, nail polish, blush, foundation creams and powder, body deodorants; sun care preparations namely tanning and after-sun milks, gels and oils; essential oils for personal use; gels, sprays and balms for hair styling and hair care; hair lacquers; shampoos, conditioners, treatments, masques and mousse for the hair

**Mark Drawing**  
**Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial**  
**Number**

76623563

**Filing Date**

December 7, 2004

**Current Filing**  
**Basis**

44E

**Original**  
**Filing Basis**

44E

**Published for**  
**Opposition**

November 8, 2005

**Registration**  
**Number**

3052718

**Registration**  
**Date**

January 31, 2006



**Owner** (REGISTRANT) Lancome Parfums et Beaute & Cie SOCIETE EN NOM COLLECTIF FRANCE 29,  
rue du Faubourg Saint-Honore Paris FRANCE 75008

**Attorney of Record** Robert L. Sherman

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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## Typed Drawing

Word Mark	MIRACLE INTENSE
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Perfumery products, namely, perfumes, perfumed water. FIRST USE: 20021000. FIRST USE IN COMMERCE: 20021000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76425484
Filing Date	June 25, 2002
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	July 1, 2003
Registration Number	2955294
Registration Date	May 24, 2005
Owner	(REGISTRANT) Lancome Parfums et Beaute & Cie SOCIETE EN NOM COLLECTIF FRANCE 29, rue du Faubourg Saint-Honore Paris FRANCE 75008
Attorney of Record	Jennifer Shmulewitz
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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<b>Word Mark</b>	<b>MIRACLE HOMME LANCOME</b>
<b>Translations</b>	The English translation of "HOMME" is "Man".
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Perfumery products, namely perfumes, eau de cologne, perfumed water, after shave, shaving balm, skin lotions, soaps, hair shampoos, bath and shower foams and gels; cosmetics, namely creams, gels, milks, powders and lotions for the face, the body and the hands; body deodorants
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides
<b>Serial Number</b>	76345979
<b>Filing Date</b>	December 6, 2001
<b>Current Filing Basis</b>	44E
<b>Original Filing Basis</b>	44D
<b>Published for Opposition</b>	May 27, 2003
<b>Registration Number</b>	2751963
<b>Registration Date</b>	August 19, 2003
<b>Owner</b>	(REGISTRANT) Lancome Parfums et Beaute & Cie L'Oreal and Societe Civile Holdial, both societe

anonymes of France SOCIETE EN NOM COLLECTIF FRANCE 29 rue du Faubourg Saint-Honore  
75008 Paris FRANCE

**Attorney of  
Record**

JENNIFER SHMULEWITZ

**Priority Date**

July 4, 2001

**Disclaimer**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOMME" and the configuration of the  
bottle design APART FROM THE MARK AS SHOWN

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live/Dead  
Indicator**

LIVE

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**Word Mark**  
**Translations**  
**Goods and Services**

**MIRACLE HOMME LANCOME**

The English translation of "Miracle" is "Miracle". The English translation of "Homme" is "Man".  
IC 003. US 001 004 006 050 051 052. G & S: Perfumery products, namely perfumes, eau de cologne, perfumed water, after shave, shaving balm, skin lotions, soaps, hair shampoos, bath and shower foams and gels; cosmetics, namely creams, gels, milks, powders and lotions for the face, the body and the hands; body deodorants

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code**

26.11.21 - Rectangles that are completely or partially shaded

**Serial Number**

76345978

**Filing Date**

December 6, 2001

**Current Filing Basis**

44E

**Original Filing Basis**

44D

**Published for Opposition**

June 3, 2003

**Registration Number**

2892324

**Registration Date**

October 12, 2004

**Owner**

(REGISTRANT) Lancome Parfums et Beaute & Cie SOCIETE EN NOM COLLECTIF FRANCE 29

rue du Faubourg Saint-Honore 75008 Paris FRANCE

**Attorney of  
Record**

Romy Berk

**Priority Date**

July 4, 2001

**Disclaimer**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOMME" APART FROM THE MARK  
AS SHOWN

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live/Dead  
Indicator**

LIVE

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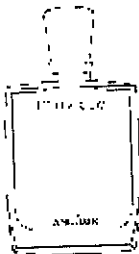
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Word Mark  
Goods and  
Services

**MIRACLE LANCOME**

IC 003. US 001 004 006 050 051 052. G & S: Perfumery products namely, perfumes, eau de cologne, perfumed water, skin lotions, hand soaps, hair shampoos, bath foam, shaving foam, bath gels, body deodorants; cosmetics, namely, facial cream, eye cream, cold cream, skin cream, lip cream, lotions for skin, hair, face, body and hair waving, gels and powder for the face, body and hands; make-up preparations, namely, eye-liner, mascara, eye shadows, lipsticks, nail polish, blush

Mark Drawing  
Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search  
Code

19.09.12 - Atomizers; Bottles with pumps; Bottles with sprayers; Jugs with pumps; Jugs with sprayers; Sprayers, bottles or jugs with sprayers

Serial Number 76190661

Filing Date January 5, 2001

Current Filing  
Basis 44E

Original Filing  
Basis 1B;44D

Published for  
Opposition November 19, 2002

Registration  
Number 2685399

Registration  
Date February 11, 2003

Owner (REGISTRANT) Lancome Parfums et Beaute & Cie SOCIETE EN NOM COLLECTIF FRANCE 29,



rue du Faubourg Saint-Honore 75008 Paris FRANCE

**Attorney of Record** Russell H Falconer

**Priority Date** July 5, 2000

**Description of Mark** The mark consists of a configuration of a bottle with the wording "MIRACLE" and "LANCOME" therein.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**Typed Drawing**

**Word Mark** **MIRACLE**  
**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: PERFUMERY PRODUCTS, NAMELY PERFUMES, EAU DE COLOGNE, PERFUMED WATER, SKIN LOTIONS, SOAPS, SHAMPOOS, BATH AND SHOWER FOAMING COMPOSITIONS AND GELS; COSMETICS, NAMELY CREAMS, GELS, MILKS, POWDERS AND LOTIONS FOR THE FACE, BODY AND HANDS; MAKEUP PRODUCTS, NAMELY MASCARA, EYE LINER, EYE SHADOW, LIPSTICKS, NAIL POLISH, BLUSH AND BODY DEODORANTS  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75819686  
**Filing Date** October 12, 1999  
**Current Filing Basis** 44E  
**Original Filing Basis** 1B;44D  
**Published for Opposition** September 4, 2001  
**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED  
**Registration Number** 2584294  
**Registration Date** June 25, 2002  
**Owner** (REGISTRANT) LANCOME PARFUMS ET BEAUTE & CIE L'Oreal and Societe Civile Holdial, both French corporations SOCIETE EN NOM COLLECTIF FRANCE 29, rue du Faubourg, Saint-Honore 75008, Paris FRANCE  
**Attorney of Record** PAUL J. REILLY  
**Priority Date** August 24, 1999

Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

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**Typed Drawing**

<b>Word Mark</b>	NISIM
<b>Translations</b>	The English Translation "NISIM" in the mark is "miracle".
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: hair care products, namely, shampoo, conditioners, cream rinses and preparation for the stimulation of hair regrowth. FIRST USE: 19930700. FIRST USE IN COMMERCE: 19930700
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75472784
<b>Filing Date</b>	April 23, 1998
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	May 11, 1999
<b>Registration Number</b>	2266815
<b>Registration Date</b>	August 3, 1999
<b>Owner</b>	(REGISTRANT) 1094752 Ontario Limited DBA NISIM INTERNATIONAL CORPORATION CANADA 204 Wilkinson Road Brampton, Ontario L6T 4M4 CANADA
<b>Attorney of Record</b>	LEESA N WEISS
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

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Typed Drawing

<b>Word Mark</b>	<b>MIRACLE RELAXER</b>
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: hair care preparations; namely, sheen sprays, hair sprays, hair oils, hair gels, hair creams, shampoos, conditioners, hair relaxing preparations, hair coloring preparations. FIRST USE: 19950500. FIRST USE IN COMMERCE: 19950500
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75688052
<b>Filing Date</b>	April 22, 1999
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	February 22, 2000
<b>Registration Number</b>	2491246
<b>Registration Date</b>	September 18, 2001
<b>Owner</b>	(REGISTRANT) A.P. PRODUCTS LTD. CORPORATION NEW YORK 625 Madison Avenue New York NEW YORK 10022
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Patrick J. Jennings
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RELAXER" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL

Live/Dead  
Indicator

LIVE

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**Typed Drawing**

<b>Word Mark</b>	MIRACLE COLOR
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: hair care preparations, namely, sheen sprays, hair sprays, hair oils, hair gels, hair creams, shampoos, conditioners, hair relaxing preparations, hair coloring preparations. FIRST USE: 19950500. FIRST USE IN COMMERCE: 19950500
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75688051
<b>Filing Date</b>	April 22, 1999
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	February 22, 2000
<b>Registration Number</b>	2488468
<b>Registration Date</b>	September 11, 2001
<b>Owner</b>	(REGISTRANT) A.P. PRODUCTS LTD. CORPORATION NEW YORK 625 Madison Avenue New York NEW YORK 10022
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Patrick J. Jennings
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COLOR" APART FROM THE MARK AS SHOWN
<b>Type of Mark Register</b>	TRADEMARK PRINCIPAL



Live/Dead  
Indicator

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# CHINESE MIRACLE

**Word Mark** CHINESE MIRACLE  
**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: Hair care and hair treatment preparations, namely, hair shampoo, hair conditioners, hair oils, hair balms, hair creams, hair rinses, hair lotions, hair gels, and hair relaxers; and skin care and skin treatment preparations, namely, skin lotion, skin cream, skin moisturizers, skin oils, and skin toners

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 78601787

**Filing Date** April 5, 2005

**Current Filing Basis** 1B

**Original Filing Basis** 1B

**Published for Opposition** March 7, 2006

**Owner** (APPLICANT) DR. MIRACLE'S, INC. CORPORATION DELAWARE 7 GREENWICH OFFICE PARK, SUITE 200 599 WEST PUTNAM AVENUE GREENWICH CONNECTICUT 06830

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of** Rocco S. Barrese

**Record****Disclaimer**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHINESE" APART FROM THE MARK AS SHOWN

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live/Dead**

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**Indicator**

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*Hair Grow Miracle*

<b>Word Mark</b>	HAIR GROW <b>MIRACLE</b>
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Hair shampoo and conditioner
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	02.11.06 - Beards; Hair; Hair extensions; Human hair, locks of hair, wigs, beards, mustaches; Mustaches; Toupees; Wigs 26.11.21 - Rectangles that are completely or partially shaded 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
<b>Serial Number</b>	78895800
<b>Filing Date</b>	May 30, 2006
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	March 25, 2008
<b>Owner</b>	(APPLICANT) Miracle World Corporation CORPORATION CALIFORNIA 2900 Gordon Ave. Suite 100 Santa Clara CALIFORNIA 95051
<b>Prior Registrations</b>	3134339
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAIR GROW" APART FROM THE MARK AS SHOWN

**Description of Mark** The color(s) red and black is/are claimed as a feature of the mark. The mark consists of "Hair Grow Miracle" words are in red. There is a black hair-like image on the top of the letter "o" in the word "Grow".

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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#### Word Mark

**MIRACLE**

#### Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: hair shampoo and conditioner. FIRST USE: 20050521. FIRST USE IN COMMERCE: 20050521

#### Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

#### Design Search Code

26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle  
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

#### Serial Number

78597906

#### Filing Date

March 30, 2005

#### Current Filing Basis

1A

#### Original Filing Basis

1B

#### Published for Opposition

January 10, 2006

#### Registration Number

3134339

#### Registration Date

August 22, 2006

#### Owner

(REGISTRANT) Miracle World Corporation CORPORATION CALIFORNIA 2900 Gordon Ave. Suite 100 Santa Clara CALIFORNIA 95051

#### Description of Mark

The color(s) Gold color is/are claimed as a feature of the mark. All letters and design elements in the mark are the color gold.

Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

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**DR.MIRACLE'S**

**Word Mark  
Goods and  
Services**

DR. MIRACLE'S

IC 003. US 001 004 006 050 051 052. G & S: hair care and hair treatment preparations, namely, hair shampoo, hair conditioner, hair rinses, hair oils, hair gels, and hair relaxers; [ and skin care and skin treatment preparations, namely, skin lotion, skin cream, skin moisturizers, skin oils, and skin toners ]. FIRST USE: 20040416. FIRST USE IN COMMERCE: 20040416

**Mark Drawing  
Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search  
Code**

02.01.01 - Busts of men facing forward; Heads of men facing forward; Men - heads, portraiture, or busts facing forward; Portraiture of men facing forward  
26.01.21 - Circles that are totally or partially shaded.

**Serial Number**

78282799

**Filing Date**

August 4, 2003

**Current Filing  
Basis**

1A

**Original Filing  
Basis**

1B

**Published for  
Opposition**

September 7, 2004

**Change In  
Registration**

CHANGE IN REGISTRATION HAS OCCURRED

**Registration  
Number**

2906481

**Registration**

November 30, 2004



**Date**

**Owner**

(REGISTRANT) Marks, Brian K. INDIVIDUAL UNITED STATES 276 Fifth Avenue New York NEW YORK 10001

(LAST LISTED OWNER) DR. MIRACLE'S, INC. CORPORATION DELAWARE 7 GREENWICH OFFICE PARK, SUITE 200 599 WEST PUTNAM AVENUE GREENWICH CONNECTICUT 06830

**Assignment  
Recorded**

ASSIGNMENT RECORDED

**Attorney of  
Record**

WENDY A. GREENSEICH

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live/Dead  
Indicator**

LIVE

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### Typed Drawing

<b>Word Mark</b>	3 MINUTE MIRACLE DEEEEEEP
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: hair care preparations, namely hair conditioner. FIRST USE: 20040201. FIRST USE IN COMMERCE: 20040201
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	78248945
<b>Filing Date</b>	May 13, 2003
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	April 19, 2005
<b>Registration Number</b>	2966246
<b>Registration Date</b>	July 12, 2005
<b>Owner</b>	(REGISTRANT) The Procter & Gamble Company CORPORATION OHIO One Procter & Gamble Plaza Cincinnati OHIO 45202
<b>Attorney of Record</b>	Ian S. Robinson
<b>Prior Registrations</b>	1780994
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL-2(F)-IN PART
<b>Live/Dead Indicator</b>	LIVE
<b>Distinctiveness Limitation Statement</b>	as to "3 MINUTE"

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### Typed Drawing

<b>Word Mark</b>	FRIZZ MIRACLE
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Hair care products, namely, shampoo, conditioners, perms, solutions, rinses, hair tinting, dying and coloring solutions and preparations, hair laminate, hair setting and styling sprays, gels and lotions. FIRST USE: 20020500. FIRST USE IN COMMERCE: 20020500
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	78092300
<b>Filing Date</b>	November 8, 2001
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B;44D
<b>Published for Opposition</b>	May 20, 2003
<b>Registration Number</b>	2849182
<b>Registration Date</b>	June 1, 2004
<b>Owner</b>	(REGISTRANT) Medical Express (UK) Limited CORPORATION UNITED KINGDOM 4 Denne Road Horsham, West Sussex UNITED KINGDOM RJ12 1JE
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FRIZZ" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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**Typed Drawing**

<b>Word Mark</b>	HOT MIRACLE
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: HAIR CARE PRODUCTS, NAMELY, SHAMPOO, CONDITIONERS, PERMS, HAIR CARE PREPARATIONS, NAMELY, SOLUTIONS FOR FIXING, SETTING AND STYLING HAIR, RINSES, HAIR TINTING, DYING AND COLORING SOLUTIONS AND PREPARATIONS, HAIR LAMINATE, HAIR SETTING AND STYLING SPRAYS, GELS AND LOTIONS. FIRST USE: 20020500. FIRST USE IN COMMERCE: 20020500
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	78091395
<b>Filing Date</b>	November 2, 2001
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B;44D
<b>Published for Opposition</b>	July 6, 2004
<b>Registration Number</b>	2888810
<b>Registration Date</b>	September 28, 2004
<b>Owner</b>	(REGISTRANT) Medical Express (UK) Limited CORPORATION UNITED KINGDOM The Old Grain Store, 4 Denne Road Horsham UNITED KINGDOM RH12 1JE
<b>Attorney of Record</b>	Jess M. Collen
<b>Priority Date</b>	August 8, 2001
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead</b>	LIVE

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#### Typed Drawing

<b>Word Mark</b>	VOLUME MIRACLE
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Hair care products, namely, shampoo, conditioners, perms, hair care preparations, namely, solutions for fixing, setting and styling hair, rinses, hair tinting, dying and coloring solutions and preparations, hair laminate, hair setting and styling sprays, gels and lotions. FIRST USE: 20020500. FIRST USE IN COMMERCE: 20020500
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	78091393
<b>Filing Date</b>	November 2, 2001
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B;44D
<b>Published for Opposition</b>	March 1, 2005
<b>Registration Number</b>	2954608
<b>Registration Date</b>	May 24, 2005
<b>Owner</b>	(REGISTRANT) Medical Express (UK) Limited CORPORATION UNITED KINGDOM The Old Grain Store, 4 Denne Road Horsham, West Sussex UNITED KINGDOM RH12 1JE
<b>Attorney of Record</b>	Jess M. Collen
<b>Priority Date</b>	August 8, 2001
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VOLUME" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL-2(F)



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#### Typed Drawing

<b>Word Mark</b>	MOISTURE MIRACLE
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Hair care products, namely, shampoo, conditioners, perms, hair care preparations, namely, solutions for fixing, setting and styling hair, rinses, hair tinting, dyeing and coloring solutions and preparations, hair laminate, hair setting and styling sprays, gels and lotions. FIRST USE: 20000500. FIRST USE IN COMMERCE: 20000500
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	78091391
<b>Filing Date</b>	November 2, 2001
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B;44D
<b>Published for Opposition</b>	November 16, 2004
<b>Registration Number</b>	2924937
<b>Registration Date</b>	February 8, 2005
<b>Owner</b>	(REGISTRANT) Medical Express (UK) Limited CORPORATION UNITED KINGDOM The Old Grain Store, 4 Denne Road Horsham, West Sussex UNITED KINGDOM RH12 1JE
<b>Attorney of Record</b>	Jess M. Collen
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MOISTURE" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL-2(F)
<b>Live/Dead</b>	LIVE

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### Word Mark

CHUDO

### Translations

The foreign wording in the mark translates into English as **miracle**.

### Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: hair shampoos, conditioners, masks, gels, mousses, waxes, hair creams, hair powders, tonics, lotions, hair sprays, hair rinses, hair serums, hair mascara, hair pomades, hair oils, hair balsams, hair wipes, soaps, body washes

### Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

### Design Search Code

26.01.03 - Circles, incomplete (more than semi-circles); Incomplete circles (more than semi-circles)  
 26.01.04 - Circles with two breaks or divided in the middle  
 26.01.06 - Circles, semi; Semi-circles  
 26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle  
 26.01.21 - Circles that are totally or partially shaded.

### Serial Number

77380461

### Filing Date

January 25, 2008

### Current Filing Basis

1B

### Original Filing Basis

1B

### Owner

(APPLICANT) proDIME Inc. CORPORATION NEW YORK 16 Elm Street Huntington NEW YORK 11743

### Description of Mark

Color is not claimed as a feature of the mark. The mark consists of A stylized word "chudo".

Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

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## SCALP &amp; BREAKAGE MIRACLE

<b>Word Mark</b>	SCALP & BREAKAGE <b>MIRACLE</b>
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Hair care preparations; Hair styling preparations
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77462154
<b>Filing Date</b>	April 30, 2008
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Owner</b>	(APPLICANT) Henkel AG & Co. KGaA KOMMANDITGESELLSCHAFT AUF AKTIEN (KGAA) FED REP GERMANY 67 Henkelstrasse Duesseldorf FED REP GERMANY D40589
<b>Attorney of Record</b>	Susan F. Evans
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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**SHEAR MIRACLES BY ROBYN**

<b>Word Mark</b>	SHEAR <b>MIRACLES</b> BY ROBYN
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Hair care products, namely, hair care lotions, hair care creams; skin care products, namely, non-medicated skin care preparations; body care products, namely, beauty creams, lotions, soaps, deodorants. FIRST USE: 20060602. FIRST USE IN COMMERCE: 20060602
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77160200
<b>Filing Date</b>	April 18, 2007
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	February 12, 2008
<b>Registration Number</b>	3417124
<b>Registration Date</b>	April 29, 2008
<b>Owner</b>	(REGISTRANT) Robyn Atticks INDIVIDUAL UNITED STATES 148 Bentley Lane Lancaster



PENNSYLVANIA 17603

**Attorney of  
Record**

Robert Hagan

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Other Data**

The name ROBYN identifies a living individual whose consent is of record.

**Live/Dead  
Indicator**

LIVE

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## SALON MIRACLE DE PARIS

<b>Word Mark</b>	SALON MIRACLE DE PARIS
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: hair care and hair treatment preparations, namely, hair shampoo, hair conditioner, hair rinses, hair oils, hair gels, and hair relaxers; and skin care and skin treatment preparations, namely, skin lotion, skin cream, skin moisturizers, skin oils and skin toners
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77264905
<b>Filing Date</b>	August 27, 2007
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Owner</b>	(APPLICANT) DR. MIRACLE'S, INC. CORPORATION DELAWARE 7 GREENWICH OFFICE PARK, SUITE 200 599 WEST PUTNAM AVENUE GREENWICH CONNECTICUT 06830
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Rocco S. Barrese
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE SALON AND DE PARIS APART

FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# SALON MIRACLE 3000

<b>Word Mark</b>	SALON <b>MIRACLE</b> 3000
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: hair care and hair treatment preparations, namely, hair shampoo, hair conditioner, hair rinses, hair oils, hair gels, and hair relaxers; and skin care and skin treatment preparations, namely, skin lotion, skin cream, skin moisturizers, skin oils and skin toners
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77264893
<b>Filing Date</b>	August 27, 2007
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	March 25, 2008
<b>Owner</b>	(APPLICANT) DR. MIRACLE'S LLC. LTD LIAB CO NEW YORK 183 Madison Avenue Suite 405 New York NEW YORK 10016
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of</b>	Rocco S. Barrese

**Record**

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SALON" APART FROM THE MARK AS SHOWN

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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<b>Word Mark</b>	<b>MIRACLE</b>
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Hair shampoo and conditioner. FIRST USE: 20070501. FIRST USE IN COMMERCE: 20070501
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	02.11.06 - Beards; Hair; Hair extensions; Human hair, locks of hair, wigs, beards, mustaches; Mustaches; Toupees; Wigs 26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle
<b>Trademark Search Facility Classification Code</b>	HUM Accurate representation of a human form, or any portion of a human form SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors SHAPES-MISC Miscellaneous shaped designs
<b>Serial Number</b>	77155762
<b>Filing Date</b>	April 13, 2007
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	September 11, 2007
<b>Registration Number</b>	3399288

**Registration Date** March 18, 2008  
**Owner** (REGISTRANT) Miracle World Corporation CORPORATION CALIFORNIA 2900 Gordon Ave. Suite 100 Santa Clara CALIFORNIA 95051  
**Prior Registrations** 3134339  
**Description of Mark** The color(s) black, pink, orange, yellow, green, blue and purple is/are claimed as a feature of the mark. The mark consists of a black single hair, surrounded by the circular stylized wording "MIRACLE" in pink, orange, yellow, green, blue and purple.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# PURE MIRACLE

<b>Word Mark</b>	PURE MIRACLE
<b>Goods and Services</b>	IC 003, US 001 004 006 050 051 052. G & S: NON-MEDICATED SKIN CARE PREPARATIONS; COSMETICS; FRAGRANCES; PERFUMES; INCENSE; POTPOURRI; SACHETS; BATH OILS, GELS AND SALTS; NON-MEDICATED HAIR CARE PREPARATIONS; SOAPS FOR HAND, FACE AND BODY; AND ESSENTIAL OILS FOR PERSONAL USE
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77187114
<b>Filing Date</b>	May 22, 2007
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	October 2, 2007
<b>Owner</b>	(APPLICANT) Tracie Martyn, Inc. CORPORATION NEW YORK 59 Fifth Avenue New York NEW YORK 10003
<b>Attorney of Record</b>	Kathryn Jennison Shultz
<b>Type of Mark</b>	TRADEMARK



Register PRINCIPAL  
Live/Dead  
Indicator LIVE

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#### Typed Drawing

<b>Word Mark</b>	DR. MIRACLE'S
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: HAIR CARE AND HAIR TREATMENT PREPARATIONS, NAMELY, HAIR SHAMPOO, HAIR CONDITIONER, HAIR RINSES, HAIR OILS, HAIR GELS, AND HAIR RELAXERS. FIRST USE: 20040416. FIRST USE IN COMMERCE: 20040416
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76977765
<b>Filing Date</b>	January 13, 2003
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	September 23, 2003
<b>Registration Number</b>	3018370
<b>Registration Date</b>	November 22, 2005
<b>Owner</b>	(REGISTRANT) Marks, Brian K. INDIVIDUAL UNITED STATES 276 Fifth Avenue New York NEW YORK 10001  (LAST LISTED OWNER) DR. MIRACLE'S, INC. CORPORATION DELAWARE 7 GREENWICH OFFICE PARK, SUITE 200 599 WEST PUTNAM AVENUE GREENWICH CONNECTICUT 06830
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	WENDY A. GREENSEICH
<b>Type of Mark</b>	TRADEMARK

**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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#### Typed Drawing

<b>Word Mark</b>	MIRACLE FINISHER
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Hair preparations, namely, hair lotions, hair mousses, waxes for the hair, hair shampoos, hair conditioners, hair wash preparations, hair color and combinations thereof. FIRST USE: 20000400. FIRST USE IN COMMERCE: 20000500
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76229353
<b>Filing Date</b>	March 22, 2001
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	August 12, 2003
<b>Registration Number</b>	2778940
<b>Registration Date</b>	November 4, 2003
<b>Owner</b>	(REGISTRANT) Umberto Giannini Hair Cosmetics Limited LTD LIAB CO UNITED KINGDOM 159 Lower High Street Stourbridge, DY8 1TT ENGLAND
<b>Attorney of Record</b>	H John Campaign
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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Word Mark	AM A-MIRACLE GENTLE SILK
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Hair care products, namely, cream, grease, shampoo, conditioner, and lotion. FIRST USE: 19990423. FIRST USE IN COMMERCE: 19990423
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.15.04 - Explosions; Fireworks display; Sparks 19.09.25 - Other bottles, jars or flasks 26.05.25 - Triangles with one or more curved sides 26.11.02 - Plain single line rectangles; Rectangles (single line) 26.11.21 - Rectangles that are completely or partially shaded 27.03.01 - Geometric figures forming letters, numerals or punctuation
Serial Number	76055071
Filing Date	May 22, 2000
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 26, 2002
Registration Number	2570828
Registration Date	May 21, 2002

**Owner** (REGISTRANT) D & D BEAUTY DISTRIBUTORS, INC. CORPORATION SOUTH CAROLINA  
518 S. GOVERNOR WILLIAMS HWY DARLINGTON SOUTH CAROLINA 29532

**Description of Mark** The mark consists of the design of sun rays with an "A" and "M" in the middle, and the wording "A-MIRACLE" and "GENTLE SILK".

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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